

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

COREY HOLLAND

PETITIONER

v.

No. 3:20CV259-GHD-RP

MDOC

RESPONDENT

CERTIFICATE OF APPEALABILITY

The court has entered a final judgment in a *habeas corpus* proceeding under 28 U.S.C. § 2254, and, considering the record in the case and the requirements of Fed. R. App. P. 22(b) and 28 U.S.C. § 2253(c), **a certificate of appealability should not issue.** For the reasons stated in its opinion, the Petitioner has not “demonstrate[d] that the issues are debatable among jurists of reason; that a court could resolve issues in a different manner; or that the questions are adequate to deserve encouragement to proceed further.” *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4, 103 S.Ct. 3383, 3394 n.4, 77 L.Ed.2d 1090 (1993) (superseded by statute) (citations and quotations omitted); 28 U.S.C. § 2253(c) (1) and (2). The court finds, for the reasons set forth in its memorandum opinion, that the petitioner’s grounds regarding: (1) his underlying 2013 guilty plea and conviction for aggravated assault and resulting sentence; (2) the 2015 revocation of his PRS; (3) the 2017 revocation of his PRS; and (4) the 2018 revocation of his modified supervision should be dismissed with prejudice as untimely filed. In addition, the petitioner’s ground for relief regarding (5) his challenge to the 2020 revocation and imposition of his suspended sentence for aggravated assault should be dismissed without prejudice for failure to exhaust state remedies.

SO ORDERED, this, the 24th day of August, 2021.


SENIOR UNITED STATES DISTRICT JUDGE